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# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**

## List of issues and questions in relation to the combined initial and second periodic reports of Swaziland

**Addendum**

## Replies of Swaziland*

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* The present document is being issued without formal editing.

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## Preamble

The Kingdom of Swaziland acceded to the Convention on the Elimination of Discrimination against Women (CEDAW) on 26th March 2004. The accession was indicative of the Government's commitment to eliminating discrimination against women in all its forms and the First and Second CEDAW Report was submitted to the CEDAW Committee in 2011.

As the main structure responsible for all matters related to gender equality and women's empowerment, the Gender and Family Issues Department in the Office of the Deputy Prime Minister, has been tasked with ensuring that a comprehensive but succinct response is prepared by the stated dead line. The issues and questions raised are related to the following themes: (i) legal status of the Convention, constitutional and policy framework; (ii) national machinery for the advancement of women; (iii) access to justice; (iv) temporary special measures; (v) stereotypes and harmful practices; (vi) violence against women; (vii) trafficking and exploitation of prostitution; (viii) participation in political and public life; (ix) nationality; (x) education; (xi) employment; (xii) health. This is therefore a presentation of the Government responses to the said issues and questions.

## Legal status of the Convention, constitutional and policy framework

**1.1 Please provide information on the steps that have been taken to review and change laws that are currently not aligned to CEDAW and other International Human Rights instruments including the Constitution of the Kingdom of Swaziland.**

Various experiences from SADC Countries and the world including International Human Rights Conventions are referenced to make such revisions to laws in the country.

The Children's Protection and Welfare Act was passed in 2012. Parliament has also passed the Sexual Offences and Domestic Violence Bill that is awaiting accession. Section 16 of the Deeds Registry Act which relates to the registration of titled property in the name of both spouses if they so desire was amended in 2011 after a land mark test case in which the section was challenged in the High Court of Swaziland.

**1.2 Please provide examples of court cases, if any, of instances in which domestic courts have used the Convention in interpreting the law in the State Party.**

CEDAW has not been used as a key instrument for reference in judgments. It can however, be filtered from particular judgments especially those made where respect of women's rights and dignity are in question. It will be important to train the judiciary at the different levels to ensure that they know and understand how they can use CEDAW in making judgments and or pronouncements.

CEDAW has however been used strategically as one of the policy planning tools to guide the development of the National Strategic Framework and Action Plan on Trafficking in Persons.

**1.3 What measures have been taken to address the inconsistencies between statutory and customary law and practices that discriminate against women?**

The State adopted The National Constitution that tries to bridge the gap between customary and civil law. Government and civil society entities undertake to educate the public on citizens' rights as enshrined in the Constitution and to make the public aware of the supremacy of their Constitutional rights and women are able to claim these rights.

**2.1 Please explain why the definition of discrimination provides a closed list of prohibited grounds, which do not include the grounds of sex and marital status as provided by Article 1 of the Convention.**

Discrimination in all law contexts in Swaziland is prohibited. The Constitution in Section 20:1 clearly states that all persons are equal before the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law. Section 20:2 elaborates this further by defining the different categories. It notes that no person shall be discriminated against on the grounds of gender and social standing which when fully unpacked includes both sex and marital status. The list of prohibited grounds is not closed and the constitution prohibits all forms of discrimination. The case of Doo Aphane versus Attorney General is instructive in this regard.

**2.1 (a) Please provide information on the sanctions imposed for discrimination against women, their nature and actual application.**

Sanctions for discrimination are determined on the basis of a court ruling, which is intended to address the situation or conduct. If therefore discrimination is challenged on the basis of the Constitution and the challenge succeeds, Parliament is given the opportunity to enact remedial legislation in line with the new court ruling. Reference Doo Aphane versus the Attorney General 2010.

**2.1 (b) Please provide information on the remedies available to women whose rights have been violated on the ground of discrimination.**

Women are entitled as part of their Constitutional right to seek legal redress through the courts if their rights have been violated. The Government fully acknowledges as noted in the submitted First and Second CEDAW reports that access to such remedial action is sometimes constrained by lack of access to attorneys and courts due to distances, fees and sociocultural constraints.

They can also use administrative remedies, which include recourse to the Human Rights Commission (HRC).

**2.2 Please provide an update on the progress made to adopt the following legislative and policy measures:**

(a) Marriage Bill — The Bill has been presented to the relevant Office of the responsible Ministry for review and subsequent submission to Parliament:

(b) The Administration of Estates Bill — The bill has been presented to the relevant Office of the responsible Ministry for review and subsequent submission to Parliament:

(c) The Deeds Registry Act — The Act has been amended to take into account the pronouncement by the High Court on the unconstitutionality of Section 16.

(d) The Transnational Crime Bill — consultations are ongoing on drafting of the Bill.

(e) The Child Protection and Welfare Bill — The Child Protection and Welfare Act was promulgated in 2012

(f) The Employment Bill — The Bill is still under review under the auspices of the Ministry of Labour.

(g) The Sexual Offences and Domestic Violence Bill — Parliament passed the Bill in 2013 and waits assent.

(h) The National Gender Policy — The Policy was approved by Cabinet in 2010. Subsequently a National Gender Policy Action Plan as well as a Monitoring and Evaluation Framework were developed. These are used as key frameworks for gender programming in all government sector planning and programming.

(i) The Draft Land Policy — The Policy is still under consideration under the auspices of the Ministry of Natural Resources and Energy

## National machinery for the advancement of women

**3.1 (a) Please provide information on the specific steps taken to improve the allocation of budgetary and human resources to the Gender Coordination Unit and to address the challenges presented by Gender Focal Points.**

The Gender and Family Issues Unit has been elevated to a Department and remains a coordinating mechanism.

In addition, the mainstreaming of gender into other ministries has enabled implementation strategies through these various ministries. The budgetary allocations for programs within the Family issues Department continue to be reviewed on annual bases. Development partners provide a portion of programming funds.

**3.1 (b) Please provide information on the extent to which gender has been mainstreamed in all Government structures.**

Several inroads have been made to mainstream gender into different Government structures. A few examples include the following:

1. The National Strategic Framework and Action Plan on Trafficking in Persons: 2013-2015
2. The Swaziland Education and Training Sector Policy, 2011
3. The Health Sector HIV Response Policy 2010
4. The Sexual Reproductive Health Policy 2013.
5. The Disability Policy 2013.
6. The Extended National Multi-Sectoral Strategic Framework 2014-2018

The Government has also trained gender focal points and planners from all government Ministries on gender responsive planning and budgeting.

Government is in the process of developing a strategy that will guide the mainstreaming of gender in government structures, sectoral plans and programs to ensure that all relevant sectors are fully aware and conversant with their respective responsibilities.

**3.1 (c) Please provide information on the role of civil society organizations in the advancement of women's rights in the State Party.**

The role of civil society is critical in supporting government to fulfil its obligations to Swazi citizens. In part civil society plays an important role in empowering communities on gender equality and the empowerment of women. They disseminate information to programme partners and in particular provide an important policy advocacy link with communities. Many also provide direct service delivery to communities. The Government and civil society work together in the Gender Consortium, which is tasked with ensuring inclusive engagement of all stakeholders in policy planning and implementation. Civil society continues to advocate and lobby government for implementation of various regional and international human rights instruments demanding accountability and action.

**3.2 Please explain the extent to which the drafting of the National Gender Policy took into account the situation analysis conducted by the Gender Coordinating Unit in 2006.**

The study on violence against children and young women in Swaziland was used to inform the development of the Gender Based Violence Thematic Area in the National Gender Policy. The Policy builds on the study recommendation to work with relevant ministries, NGOs and the communities.

**3.3 Please explain to what extent is the principle of equality as opposed to equity a main feature of the National Gender Policy.**

There is no specific definition of gender equality in the National Gender Policy but it is alluded to in various sections including in Section 3: Rationale where it is recognized as an impediment towards the attainment of sustainable national development. The section also acknowledges: "reducing gender inequality is critical for improving access to wage employment and control over productive resources.

## Access to justice

**4.1 Please provide information on the concrete measures being taken to establish a legal aid system with a view to facilitating access to justice by women in the State Party.**

A Legal Aid draft Bill is under consideration in the Office of the Attorney General. In the Bill, women and children have been classified as vulnerable groups.

The University of Swaziland through the Law Department also provides free legal assistance to indigent clients even though this is not on a very large scale: largely because this is provided by lecturers who have ongoing responsibilities as well as the fact that the service is not well advertised.

In addition, a key milestone of the UN supported Joint Gender Programme is the establishment of a government legal aid service by 2015. The Ministry of Justice and the University of Swaziland Law Department are the main implementing partners in this regard.

**4.2 What efforts are being made to improve the capacity and knowledge on gender equality and women's rights of the following — the judiciary, education sector, civil society and the general public?**

The stakeholders mentioned are all included in the United Nations Joint Gender Program 2011-2015 on the empowerment of women. The key strategies for the programme include capacity-building for government, civil society and the media for gender mainstreaming, coordination and monitoring (b) education and training including life skills for women and adolescents (c) poverty reduction and economic empowerment of women and adolescent girls (d) legal and human rights policy, programme advocacy, development and implementation support and (e) gender-based violence.

The program supports training on gender-based violence and women's rights to the judiciary, law enforcement agents, health officials and service providers, community care givers and other key stakeholders involved in providing services to survivors of gender-based violence.

Civil society organizations — Gender forum, gender consortium, establishment of the gender-based surveillance system, engaged in public awareness demand creation.

The Ministry of Education and Training have established program for both students and teachers on girls empowerment which seeks to create a safe space for girls in schools on various issues including sexual and reproductive health and gender-based violence. It provides training in self-assertive skills, leadership and self-esteem and addressing sociocultural stereotypes. The Project also creates opportunities for mentorship of the young girls by their teachers.

Besides target-specific training for the general public both Government and non-governmental organizations host weekly radio programmes which are widely popular, some of which focus on the linkages between gender-based violence, HIV and AIDS and the impact of sociocultural practices. In addition there are regular articles in the national newspapers.

The Deputy Prime Minister recently launched the Men Engage programme, which brings together several civil society organizations with male related programmes. The programme will train men as community facilitators and motivate them to take positive action to address the scourge of gender-based violence. It includes research, anger management, interrogating notions of masculinity and femininity and training men as caregivers and sharing responsibilities in the home. (Mentoring program for the girl child).

## Temporary special measures

**5.1 Please provide information on what kind of temporary special measures are envisaged and when they will be introduced in order to complement those provided in the Constitution relating to women's representation in Parliament.**

The constitution provision under Section 95: 1c and 3a has not been evoked yet for its effective use when needed to address the low levels of women's representation in parliament.

**5.2 What measures are in place to promote the understanding of positive measures for the advancement of women and the implementation of temporary special measures in the State Party?**

As above.

## Stereotypes and harmful practices

**6.1 Please indicate if there exists any comprehensive strategy or initiative aimed at eliminating the "stereotyped roles and unequal gender relations" prevalent in society and the media.**

The National Gender Policy is the key national framework, which allows for the comprehensive response on gender inequality in the country. The Policy has a section on Information and Communication wherein the media's role and responsibility in contributing to the elimination of stereotypes is addressed. It aims, in part, to support and strengthen positive reporting by building the capacity of media personnel on gender analysis and gender mainstreaming.

**6.2 What measures are being taken to eliminate stereotypes that promote girls as caregivers and socialize them to accept and persevere domestic violence?**

Swaziland developed a National Plan of Action — 365 Days of Activism Against Gender Based Violence — to address the challenges of domestic violence in 2007. The Plan recognizes the importance of addressing the pervasive stereotypes that affect women and girls and limit their life chances and opportunities.

In addition, Parliament passed the Sexual Offenses and Domestic Violence Bill in 2013. The Bill is a clear indication of the non-acceptance of domestic violence in all its forms. Both Government and civil society have regular campaigns and educational activities, which seek to educate the public on various stereotypes as well as highlighting their negative consequences. Such programs while inclusive of men and boys especially target women and girls to empower them to challenge such stereotypes. Such examples include interventions by The National Emergency Response on HIV and AIDS (NERCHA), the Ministry of Health and the community intervention structures who have also undertake awareness workshops on the importance of shared responsibility for care giving. The newly launched Men Engage Network also supports these efforts.

**6.3 Please provide information on the role of traditional leaders and civil society organizations in the elimination of traditional stereotypes and harmful practices in the State Party.**

The Gender and Family Issues Department together with civil society organizations have regular interaction and educational sessions with traditional leaders on gender equality and women's empowerment. It is stressed at these consultations that as leaders they have a responsibility to ensure the safety and well-being of all citizens under their jurisdiction.

**7. Mourning**

**7.1 Please explain the special measures taken to eliminate the cultural practice of mourning rites for widows, which is not applicable to men.**

Mourning is optional in Swaziland. The Family portfolio has been created to carry out the sensitization and education programs to families on human rights issues.

**7.2 Please explain the extent to which the provision in the Constitution, which prevents the society from "compelling a woman to undergo or uphold any custom to which she is in conscience opposed", is invoked by women and complied with by traditional leaders.**

Section 28 of the Constitution of Swaziland states that women should not undergo practices that they are in principle opposed to. Sensitization and awareness sessions on the tenants of the Constitution are in process.

## Violence against women

**8.1 Please provide information on the magnitude of the problem of violence against women, including domestic violence.**

The December 2013 National Surveillance Report states that 79% of reported abuse is on women, 80% occurs in the home, and 80% of the abusers are men. Emotional abuse is recorded as the leading type of abuse by 70%.

The national study on violence against children and young women in Swaziland funded by UNICEF in 2007 indicates that the lifetime prevalence of any sexual violence among 13-24 year old females may be high as 48%.

**8.2 Please provide information on the number of (a) shelters available, (b) Protection orders issued per year, (c) Hotlines established.**

(a) Shelters available in the country — The Government manage a halfway house for orphaned children and is also constructing a shelter in Mankayane. A number of privately owned shelters also cater for women, children and orphanages that have experienced gender-based violence.

(b) Protection orders issued (by year if possible): are informed by reported cases.

(c) Hotlines established to date include:

- Royal Swaziland Police.

- Ministry of Education and Training
- Anti Human Trafficking Unit
- Fire and Emergency Services
- Emergency Preparedness Response Unit
- Swaziland Action Group Against Abuse (SWAGAA)

**8.3 Are these services coordinated and available twenty-four hours a day? If yes by whom?**

These services with the exception of the Ministry of Education are available twenty-four hours a day. The services are managed by Government and relevant non-governmental organization.

Government is processing the coordination of this sector in order to make it as efficient as possible, minimizing duplication of services.

**8.4 Do the service providers regularly receive training on gender-based violence?**

Most service providers are trained on gender-based violence in order to deal with each case sensitively. Both Government and civil society partners provide ongoing support, and training is organized both nationally and internationally for experience sharing. Government and development partners play a key role in supporting such capacity-building.

**8.5 What measures are being taken to criminalize marital rape?**

The Sexual Offenses and Domestic Violence Bill as passed by Parliament do criminalize marital rape (section 151).

**8.6 What measures are being taken to address the serious problem of rape of children and incest?**

The matter is addressed in the Sexual Offenses and Domestic Violence Bill — rape under Section 3 and incest under Section 4. Currently the issues are adjudicated under Common Law.

**8.7 What measures have been taken to establish monitoring institutions for sexual and domestic violence?**

The Deputy Prime Minister Office with technical assistance from UNICEF has established a SGBV Surveillance Unit, which works closely with service providers.

**8.8 Does the Sexual Offenses and Domestic Violence Bill address issues of sexual harassment?**

Sexual harassment is addressed under Section 48 of The Sexual Offenses and Domestic Violence Bill.

## Trafficking and exploitation of prostitution

**9.1 Please provide information on the extent of the problem of trafficking in human beings, as the State Party is reportedly the source, destination and transit country for trafficking in human beings.**

The first cases of trafficking were reported in 2011 soon after The People Trafficking and People Smuggling (Prohibition) Act, 2009 was passed. Since the promulgation of the Act the Government has taken the issue of human trafficking very seriously and has put in institutions and structures to deal with the problem. To date a total of 36 human beings have been reported as trafficked. The victims are recorded as being nationals of Uganda, Mozambique, Nigeria, China and India. Most of these were on transit to South Africa. The victims are usually males trafficked mainly for labour exploitation; women are ordinarily trafficked for sexual exploitation. Capacity of state institutions to track and identify these cases is still limited; the Government believes that there are many more cases which go unreported.

**9.2 Please state the measures that are being taken to collect data and statistics and development of programmes to combat trafficking in human beings in particular women and girls and to establish structures such as referral mechanism for victims of trafficking.**

In July 2013, the Government launched The National Strategic Framework and Action Plan for People Trafficking and People Smuggling 2013-2015. In this regard the Government, working with its development partners has a Research component which will take leadership for data collection and reporting.

In order to ensure a well-coordinated and effective response to trafficking in persons, Government has established a number of structures, including but not limited to the Taskforce for Prevention of People Trafficking and People Smuggling, the Secretariat and a toll-free line against trafficking in persons. The Government is committed to strengthening these structures in order to combat trafficking in persons holistically and as effectively as possible.

The Government has also set up an emergency response team.

**9.3 What measures have been taken to stop charging victims of trafficking with crimes related to violations of immigration laws?**

Government has made a commitment to harmonize the various laws that impact on trafficking. Victims of trafficking are no longer charged with violation of immigration laws.

**9.4 Please provide an update on measures taken to draft amendments to the 2010 Anti-Trafficking Law to allow for permanent residency of foreign trafficking victims?**

Consultations are ongoing to review the status of the Law and make the necessary amendments. In additional the necessary risk assessments will be conducted before deportation to enable the Government to take the most fair decision with the victim taking paramount priority in the context.

**9.5 What measures are in place to address trafficking human beings, in particular women and girls, for domestic servitude within the State party?**

The People Trafficking and People Smuggling (Prohibition) Act, 2009 is applied in instances where this is reported and or is known. There are media programs and community sensitization interventions to address such.

**10. Prostitution**

**10.1 Please provide information on specific measures being taken to protect women engaged in prostitution from violence.**

Prostitution in Swaziland remains a criminal offense. The State does not condone violence against any citizen including those engaged in prostitution. The necessary legal framework is in place to deal with offenders who are reported and are prosecuted.

**10.2 What measures are being taken to remove the appearance of a woman engaged in prostitution as an acceptable ground for defence in a rape case in accordance with the Girls and Women's Protection Act?**

Advocacy and education campaigns are used to educate the public and the legal fraternity that any woman regardless of her profession or social status has a right to a life free from violence. This matter is also covered under Section 3 Subsection 6 of the Sexual Offenses and Domestic Violence Bill 2013.

## Participation in political and public life

**11. Representation in Politics**

**11.1 Please provide information on the number of women elected and appointed to Parliament during the last elections held in September 2013.**

Notwithstanding the concerted advocacy and campaigning by women and women's groups there was only one woman elected to Parliament during the September 2013 general elections. The voting system does not influence the voter's inclination. The honours of voting remains on voters themselves. Women need to be empowered to vote for themselves as they form the majority in the voting stations and constituency. His Majesty King Mswati III subsequently nominated three women making the total of four out of sixty-five seats in the House of Assembly.

Elected Members of Parliament elected five women to Senate fulfilling the full complement as stipulated in the Constitution. An additional five were appointed by His Majesty making the total number of women in Senate ten (10) out of a possible number of 30. The Constitution does make provision for an additional four female members specially elected from the four Regions.

**11.2 Please explain how the Tinkhundla electoral system of elections, which bans political parties, affects the election of women to political office.**

The prevailing electoral system is in principle open to all citizens to participate in national elections. It is not on the basis of the current electoral system that women do not participate in the elections, but rather on the basis of patriarchy and

sociocultural stereotypes that generally limit the involvement and participation of women in all public life.

In Swaziland, women are given prime importance. Her Majesty the Queen Mother is in a strategic Leadership position. In family settings, the first daughter and grandmothers are key in decisions and giving directions in family matters. There is a need to develop an Advocacy Strategy and establish the Elections Campaign to promote women's representation in parliament.

**11.3 Please provide information on the specific measures being taken to ensure the representation of women in decision-making bodies in both public and private spheres of life, particularly in the civil service, international organizations, local government, judiciary and private corporations.**

The Government is in the process of developing a national strategy on women's participation in politics and decision-making as well as a related advocacy strategy. This will be a key instrument to be used for advocating for increased levels of participation and representation of women in all sectors. Currently all recruitments in the public service are made on the basis of a competitive and transparent process, which is based on merit and competency. It is however acknowledged that more needs to be done to promote and provide for equal representation of women in the different spheres including the private sector as noted in the following figures.

1. Cabinet Ministers five (5) women and sixteen (16) men
2. Principal Secretaries — 3 women and 16 men
3. Under Secretaries — 10 women and 13 men
4. International organizations (Ambassadors) — 3 women and 12 men
5. Regional Administration — 1 female Regional Administrator and 3 male (First woman appointed as Regional Administrator in 2013).
6. Regional Educational Officer — 3 female and 1 male
7. Senior Inspectors of Schools — 11 female and 8 male
8. Regional Inspectors — 17 female and 13 male
9. Head Teachers — 291 female and 539 male
10. Urban Councils — 19% female and 81% male
11. Electoral Commission — 1 female , 3 male
12. Human Rights Commission — 3 female and 2 male
13. Public Commissions — 5 female and 7 male
14. Judiciary (Judges) 23% women 77% men
15. Judiciary (Magistrates) 37.5% women 62.5% men
16. Other Senior Government Officials e.g. Directors and Chief Economist — 15 female
17. Women in SMMEs — 150

Private corporations

(i) Management 21% female and 79% male

(ii) Board of Directors: 19% female and 81% male

(iii) Chief Executive Officers — 20% female and 80% male.

## Nationality

**12. Nationality**

**12.1 Please provide information on the measures being taken to revise the Constitution and the Citizenship Act with a view to amending the discriminatory provisions, which restrict the transmission of citizenship by Swazi women to children if their fathers are foreigners.**

There are no plans to amend the Constitution and Citizenship Act in this regard. However consultations on citizenship act are ongoing.

**12.2 What measures are being taken to introduce legislation governing the acquisition of citizenship by foreign men married to Swazi women so that Swazi women can enjoy their rights on an equal basis with Swazi men married to foreign women who automatically acquire citizenship on marriage?**

Foreign man resident and married to Swazi women are eligible to apply for a Swaziland citizenship and invariably granted.

**12.3 Please provide information on measures taken to reduce the risk of statelessness that these children face when they are not claimed by their fathers.**

Women in Swaziland can register their children under their own surnames if a father is not able to do so.

## Education

**13.1 Please explain the measures being taken to improve the number of women taking science subjects.**

The Ministry of Education and Training (MOET) has developed a primary school curriculum, which includes science and mathematics as compulsory subjects. The Sector Policy approved in 2010 also includes Information Technology. In addition the Ministry is partnering with Bilateral to institute an information technology mentoring programme with volunteer teachers from Asia being seconded by the relevant Government to support the IT, science and mathematics uptake programme. The Ministry however is taking the necessary measures to ensure that girls do take these subjects so that this does not remain a policy matter. Government is also developing programmes to improve schools infrastructure in rural areas so as to make access to education more accessible.

**13.2 Please also explain the impact that these educational choices eventually have on women in employment particularly with regard to occupational segregation.**

It is anticipated that these new developments will have positive outcomes which are more inclusive of girls and young women and therefore open up better professional and career choices. As noted in the First and Second CEDAW Report for Swaziland to the Committee the fact that girls and young women do not have a high uptake of science and mathematics at school level compromises their opportunities to have careers which are regarded as non-traditional for women and which also have better remuneration.

**13.3 What measures are being taken to improve the representation of women in administrative positions in the education sector?**

The Ministry of Education and Training is currently working on a strategy to increase the representation of women in administrative positions as illustrated below:

- The Director of the Ministry of Education and Training is a female.
- The Government of Swaziland appointed three (3) female Regional Education Officers and one (1) male Regional Education Officer; 11 female Senior Inspectors of schools, 8 male; 17 female Regional Inspectors and 13 male; 291 female Head Teachers and 539 male Head Teachers.

**13.4 To what extent has the State Party sought to address gender stereotypes and gender-based violence in educational settings.**

Please see number 4.2 above in this regard. The Ministry has also issued a policy statement discouraging the use of corporal punishment in schools. It is working with Save the Children Fund to train school heads and inspectors to encourage the use of positive discipline in all schools. The aim is to eventually abolish the use of corporal punishment completely. All matters related to gender-based violence are reported to the Department of Guidance and Counseling. Investigations are undertaken and discipline is meted out accordingly based on the findings. In instances where a matter is reported to a court of law, the matter would therefore be deferred to the justice system for the necessary course of action.

## Employment

**14. Remuneration and Benefits**

**14.1 Please provide information on the full range of measures taken to close the gender wage gap and to address occupational segregation between men and women in employment.**

The Employment Act and Government policy do not promote wage differentials. All job categorizations are based on the skills competencies required. Government acknowledges that more can be done to regulate and strengthen implementation of the Act nationally and in particular the private sector.

**14.2 What measures are being taken to increase women's employment in non-traditional and better-paid areas of employment?**

Efforts in this regard have been initiated at the primary and secondary school level.

**14.3 Please state the measures taken to address barriers to women's access to employment benefits such as requirements to provide marriage certificates as proof of matrimony for women married under customary law.**

There are no formal requirements for women to provide marriage certificates as proof of matrimony in order to access their employment benefits. It is a requirement for both women and men that some form of identification is presented when claiming benefits. This has been greatly facilitated by the fact that most Swazis now have National Identification Cards, which are also acceptable. In instances where an institution requires proof of identity an affidavit is also permissible. This is done in order to protect the assets in question.

**14.4 Please state the measures taken to address the deprivation of employment benefits by relatives upon death of a husband.**

There are no special measures currently in place to deal with deprivation of benefits by relatives on the death of a husband. As a rule the matter is dealt with by the Master of the High Court and notwithstanding the various social and cultural constraints that women may face in finding recourse through the court system, many continue to challenge relatives who deprive them of their lawful benefits. Many civil society organizations also undertake to constantly educate the public on their rights vis-à-vis inheritance and encourage the drafting of Wills.

**15. Application of the Act**

**15.1 Please provide information on the measures being taken to enforce the application of labour laws; particularly with respect to maternity leave to ensure that women employed in the public and private sector enjoy maternity benefits on an equal basis.**

There are no specific measures taken to enforce the application of the labour law on maternity leave. The Government, Labour Unions and the Private Sector are engaged in consultations with regard to the revision of the Employment Act.

**15.2 Please provide an update on whether the Unemployment Insurance Benefit Fund proposed under the Employment Bill, which seeks to guarantee the full payment of benefits during maternity leave has been established.**

Establishment of the Social Security Department is at an advanced stage and the Unemployment Insurance Benefit Fund activation will depend on the passing of the National Social Security Bill.

## Health

### 16. Maternal and Infant Mortality

**16.1 Please provide information on the strategies and programmes in place to deal with the high levels of maternal and infant mortality.**

The National Health Sector Strategic Plan 2008-2013 has been revised. The new Strategic Plan 2013-2018 includes mitigation and integration strategies that were not in the previous Plan. Some key improvements include: (i) A Maternal Deaths Review Team (MDR) has been established and findings are used to improve service provision from various gaps identified. (ii) A Commission on Information and Accountability for Health Strategy 2013 has been developed which looks into coordination of resource allocations for maternal, child and neonatal health.

**16.2 Please explain the specific interventions that have been designed to address the problem of limited antenatal care following the study in 2006-2007 which estimated that only 54% of women with signs of pregnancy complications were informed of the complications and only about 78% of them were physically examined.**

The Government of the Kingdom Swaziland is committed to ensuring quality health care for all citizens and reducing maternal deaths from pregnancy complications and childbirth. There has been improved performance on some of the indicators such as the ANC attendance, skilled birth attendance, facility deliveries and reduced mother-to-child transmission (MTCT).

- ANC attendance for the first visit is 97%, while birth attendance by skilled personnel has increased to 82%,
- Facility deliveries are now at 80%.
- Reduction of mother to child transmission at 6-8 weeks has been reduced to less than 2%.

Swaziland is among the few countries that launched the Campaign for Accelerated Reduction of Maternal Mortality in Swaziland (CARMMS) in October, 2009 following the regional launch of the Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMMA) by the African Union in May 2009 to create national awareness and mobilize domestic partners and resources for MNHC in line with the six CARMMA pillars.

The Government has also created 5 facilities as models for centres of excellence in the integration of SRH/HIV service interventions.

**16.3 Please state the measures in place to address the lack of skilled personnel, which is partly attributable to the emigration.**

The recruitment of qualified personnel is an ongoing process in the Ministry of Health as part of the risk management strategy. The revised National Health Strategic Plan 2013-2018 also includes a comprehensive component which includes the development of a competency based midwifery curriculum and standards, implementation of standardized overtime remuneration, and establishment of a rotation and a mentorship programme. The above are being implemented with the exception of the curriculum, which is still under development.

**17. HIV Treatment and Contraceptive Usage**

**17.1 Please provide information on the measures taken to address the "increasing HIV Prevalence among women of reproductive age" and the limited access of anti-retroviral treatment for pregnant women.**

The Prevention of Mother To Child Transmission (PMTCT) of HIV initiative is the key intervention for pregnant women to stay healthy and deliver HIV free babies using the 4 prong approach.

PMTCT, STI and ART services are decentralized to the peripheral clinics reaching a total coverage of 88% and 86% HIV positive pregnant women are receiving ARV prophylaxis.

- PMTCT coverage is now 88% reaching most of the delivery facilities;
- 76% of HIV positive pregnant women are provided with the full course of ARV prophylaxis.

Access to ART has therefore increased, with implementation continuously being accelerated.

**17.2 Please indicate the measures in place to address the non-use of contraceptives by women due to prevailing social and religious norms, as well as to address the root causes of vulnerability to infection such as stigma and discrimination.**

Swaziland has repositioned its health care services to ensure the integration of family planning with HIV service provision. The Government has also committed to strengthening the SRH program by allocating adolescent, and gender in SRH coordinating officers to implement the male involvement strategy. Working documents in place to guide health care workers for service provision. Community mobilization for increased utilization of family planning services and male involvement in family planning has been introduced.